

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

MICHAEL L. NOKIELSKI,

DEBTOR.

CHAPTER 13

CASE NO. 18-46624-MBM

JUDGE MARCI B. MCIVOR

**TRUSTEE’S OBJECTION TO THE PROOF OF CLAIM FILED ON BEHALF OF
CATERPILLAR FINANCIAL SERVICES CORPORATION (PACER CLAIM NO. 8-2)**

NOW COMES the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to the Proof of Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2), and in support thereof states as follows:

1. The proof of claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2), fails to attach **any** supporting documentation of its claim in contravention of F.R.Bankr.P. 3001(c) and/or (d).

WHEREFORE, the Chapter 13 Standing Trustee requests that this Honorable Court disallow the Proof of Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2) on October 22, 2018 in its entirety, and grant any further and other relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made to Caterpillar Financial Services Corporation.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: January 3, 2019

By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

MICHAEL L. NOKIELSKI,

DEBTOR.

CHAPTER 13

CASE NO. 18-46624-MBM

JUDGE MARCI B. MCIVOR

(PROPOSED)

**ORDER DISALLOWING THE PROOF OF CLAIM FILED ON BEHALF OF
CATERPILLAR FINANCIAL SERVICES CORPORATION (PACER CLAIM NO. 8-2)**

This matter came on for hearing upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee pursuant to L.B.R. 3007-1 (E.D.M.), the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2) on October 22, 2018 in the amount of \$18,511.39 is disallowed;

IT IS HEREBY FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup the same.

EXHIBIT 1

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT

IN RE:

MICHAEL L. NOKIELSKI,

DEBTOR.

CHAPTER 13 Proceeding
CASE NO. 18-46624-MBM
JUDGE MARCI B. MCIVOR

AKA or DBA (if any):

Address(es):

63885 North Ave.
Ray, MI 48096-0000

, -

Social Security Number(s):
XXX-XX-3340

Employer's Tax Identification (EIN) No(s). (if any):

NOTICE OF OBJECTION TO CLAIM FILED ON BEHALF OF CATERPILLAR FINANCIAL SERVICES CORPORATION
(PACER CLAIM NO. 8-2)

The Chapter 13 Standing Trustee has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before February 14, 2019 you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at:

U.S. Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Berman & Bishop Plc, 24405 Gratiot, Eastpointe, MI 48021-0000
David Wm. Ruskin, 26555 Evergreen Rd., Ste 1100, Southfield, MI 48076
CATERPILLAR FINANCIAL SERVICES CORPORATION, 2120 WEST END AVENUE, NASHVILLE,
TN 37203-0001
Dawn Copley, Dickinson Wright PLLC, 500 Woodward Avenue, Suite 4000, Detroit, MI 48226

2. Attend the hearing on the objection, scheduled to be held on February 21, 2019, at 11:00 a.m., in Courtroom 1875, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

OFFICE OF DAVID WM. RUSKIN, STANDING
CHAPTER 13 TRUSTEE

Dated: January 3, 2019

By: /s/ Lisa K. Mullen
DAVID WM. RUSKIN (P26803)
LISA K. MULLEN (P55478)
THOMAS D. DECARLO (P65330)
Attorneys for Chapter 13 Trustee, David Wm. Ruskin
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
Telephone (248) 352-7755

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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IN RE:

Michael L. Nokielski,

DEBTOR.

CHAPTER 13
CASE NO. 18-46624-MBM
JUDGE MARCI B. MCIVOR

**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO THE PROOF OF
CLAIM FILED ON BEHALF OF CATERPILLAR FINANCIAL SERVICES CORPORATION
(PACER CLAIM NO. 8-2)**

I hereby certify that on January 3, 2019, I electronically filed the Trustee's Objection to the Proof of Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2) With (Proposed) Order Disallowing the Proof of Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2), Notice of Objection to Claim filed on behalf of Caterpillar Financial Services Corporation (PACER Claim No. 8-2) and Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

BERMAN & BISHOP PLLC
24405 GRATIOT
EASTPOINTE, MI 48021-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

MICHAEL L. NOKIELSKI
63885 NORTH AVE.
RAY, MI 48096-0000

CATERPILLAR FINANCIAL SERVICES CORPORATION
2120 WEST END AVENUE,
NASHVILLE, TN 37203-0001

Dawn Copley
Dickinson Wright PLLC
500 Woodward Ave. Suite 4000
Detroit, MI 48226

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee-Detroit
1100 Travelers Tower
26555 Evergreen Road
Southfield, MI 48076-4251
(248) 352-7755